

18.  
A  
TRUE STATE  
OF THE  
CASE

Of the Reverend

Mr. Greenfields,

Now Prisoner in the TOLBOOTH

IN

EDINBURGH,

For Reading *Common-Prayer*, in an *Episcopal Congregation* there; tho' qualify'd by taking the *Oaths*, and praying for the QUEEN and Princess *Sophia*.

WITH

Copies of several ORIGINAL PAPERS relating to his *Accusation*, *Defence*, *Imprisonment* and *Appeal*, first to the Lords of the Session in *North-Britain*, and since to the House of Lords.

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LONDON:

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1710.

Sach. 423/1

THE STATE  
OF NEW YORK  
IN SENATE  
JANUARY 1871  
REPORT  
OF THE  
COMMISSIONERS OF THE LAND OFFICE  
IN RESPONSE TO A RESOLUTION  
PASSED BY THE SENATE  
MAY 1869  
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## Advertisement.

**T**HE Publisher of the following Papers thinks himself oblig'd, in Justice and Charity to a distress'd and imprison'd Brother, to give the World, by them, a Sight of Mr. Greenshields's Case, with which The Review has made such a Bustle for some Months past. I believe, it will be startling News to many well-meaning Members of the Church of England, to hear, that a Minister Episcopally Ordain'd, who has taken the Oaths, has lain above four Months imprison'd at Edinburgh, for Reading the Common-Prayer in a Congregation of Persons, many of whom are Strangers and Sojourners in that Part of Great-Britain, Members of the Church of England, and all of 'em persuaded in Conscience of the Validity of Episcopal, and at least Doubtful of the Presbyterian Ordination. Any such Usage of Dissenters in another Kingdom, where they have no Title by Law to a Toleration, wou'd be call'd a Cruel and Unchristian Persecution: But in Scotland, 'tis a sanctify'd Zeal, and Care to preserve the Unity of their Kirk, and to prevent Innovations. And yet, as good as the Practice is o'th other side Tweed, Who dares attempt to follow the Precedent, where the like Case may have a Title to the like Rule? The Pretence of the Invalidity of Mr. Greenshields's Orders, because he was Ordain'd by a Bishop of the Church of Scotland, since it pleas'd the Legislature to Establish Presbyterian Government there, is too frivolous to deserve a serious Notice: Were those Right Reverend Prelates un-Bishop'd by that Act of State? Nay, were they un-Presbyter'd? For if they are but Presbyters still; sure Mr. Greenshields is well enough Ordain'd to Officiate in North-Britain. But the Weakness of the Objection lets Us see how far some Mens persecuting Spirits will transport 'em, and how little Moderation is practis'd by the most strenuous Pleaders for it, once they get the Power into their own Hands. Mr. Greenshields has appeal'd to the House of Lords, and hopes from their Justice and Moderation, a Release from that Usage he now groans under, and receives from Men of the same Principles with those, who safely enjoy an inviolable Toleration amongst Us, who reckon that Toleration one of the great Blessings of the Revolution, and yet set themselves against allowing, what they enjoy, and call a Natural Right, to the poor Unhappy Episcopal Clergy and Layety in Scotland: Good God! Can Men have the Face to insist upon

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that

that as their Natural Right, which at the same time They deny to Orthodox Fellow-Christians in the same Circumstances !

Sure, no Man will dare say, that the King did not come to rescue the Church of Scotland from the Dangers that, as well as the Church of England, was then in; and though he thought fit to comply with the Inclinations of that then unsettled People, to abolish Episcopacy there; yet it can't be imagin'd, that either he or their Parliament ever intended to use the Episcopal Members of that Church as Ill, as they fear'd, they wou'd have been us'd, had he never come to their Rescue: This is plain, from there not being one Word in those Laws which establish Presbytery there, that can be fairly construed as a Restraint upon the Episcopal serving God according to their Consciences. It had been strangely unaccountable to have bound all that Nation so rigidly and strictly to Presbytery, where there are many Thousands who do not believe the Validity of such Ministers Missions, and consequently look upon all Sacraments Administred by them as Null and Void; and at the same time, give so large an Indulgence to several Setts and Sects of People in this Kingdom, who own the Validity of our Orders, agree with Us in all other Essentials, and yet break the Unity of the Church, and have more than once disturb'd the State, upon pretence that their Consciences oblig'd 'em to separate from our Communion, and set up different Places, Ministers, and Modes of Worship.

This makes Us hope, that Mr. Greenhields's Case will receive such a Determination in the House of Lords, as will put the persecuted Episcopal Christians of North-Britain into possession of some part of the Blessings design'd the whole Island by the Revolution. Before that, they were possess'd of Dignities, Revenues, Benefices, and Churches; all they beg for now, is a Liberty of Meeting to worship God in such a manner, as they judge most agreeable to his Nature, Reveal'd Will, and the Practice of Primitive Christians; Nay, in such a manner, as Her Majesty, and both Houses of Parliament, solemnly and daily address and adore Almighty God in. If this be not a Christian, a Reasonable, a Moderate, and Modest Request, let Men of all Sides and Parties judge.

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**A NARRATIVE** of the **PROCEEDINGS**  
 of the *Presbytery and Magistrates of Edinburgh,*  
 against *Mr. James Greenshields, a Minister of the*  
*Communion of the Church of England, qualify'd*  
*by taking the Oaths to the Government, and praying*  
*for the QUEEN and Princess Sophia ; from his*  
*first coming to Edinburgh, to his Imprisonment*  
*there ; for his Using the Liturgy of the Church*  
*of England, in a Meeting-House.*

**M**R. James Greenshields, a Gentleman, born and educated in North-Britain, being ordain'd a Presbyter in the Year 1694. went soon thereafter to Ireland, and was immediately provided to a Cure, and continued there in that Station ever since, until January last ; when having a desire to visit his Friends, he obtain'd a Licence so to do, from his Grace the Primate of all Ireland, in whose Diocese his Cure was : And being to return to his Country, to which he had been a Stranger for that time, he judg'd it proper to bring along with him Testimonials of his Loyalty to Her Majesty, and Conformity to the Establish'd Government both in Church and State, and of living very suitable to his Ministerial Character : These he had in a very ample Form, from the Arch-bishop, from the Arch-deacon, the Vicar-General, his own Rector, and a great many others of his Neighbouring Clergy and Gentry : Soon after his Arrival at *Edinburgh*, he was inform'd of his Rector's Death, and that his Living was supplied by one who intended to serve the Cure himself. In these Circumstances, he began to consider that there were a good Number of Persons in *Edinburgh*, well disposed to the Church of *England*, and that a Meeting-house, where the Worship of that Church was used, would tend to the promoting of Piety and Religion, by affording a Place for such resort to, for publick Worship, as did not attend the Worship of the *Presbyterian Church*, nor keep Communion with it ; of which number there were several Persons and Families of *English*, who once the Union, have settled here on Account of their Employments in Her Majesty's Service. For the Benefit of such, and that he might in a Christian and Lawful way make a Livelihood of himself and his Family of seven Children, he hired a private chamber in the *Canongate*, and there officiated to a few Gentle-  
 men

men for some *Sundays*. Then the Magistrate of the Place sent for his Landlord, and endeavour'd to dissuade him from allowing Mr. *Greenshields* to use his Chamber for a House of Meeting, menacing him with heightning his Taxes, if he did; and what farther Uneasinesses both might have met with, he can only conjecture from his Usage since. In the mean time, finding a more convenient House in *Edinburgh*, he, with some of his Friends, met, and treated with the Owner, and agreed upon the Rent; and to prevent any ground of Quarrel, as to their Bargain, he was openly and plainly told, that Mr. *Greenshields* was to use it for a Meeting-House, and was desired to take down the Partitions for that End. To this he agreed, but refused to be at the Charge, and desired Mr. *Greenshields* might do it himself, and be obliged to put it in the same Order he found it at his leaving it, which was agreed to. After Mr. *Greenshields* had been at some Charge in fitting up the House for his Purpose, he began to have publick Worship in it; upon which, the Ministers of the *Presbyterian Church*, then in Town, took the Alarm; the *Presbytery* of *Edinburgh* met, and apply'd to the Magistrates, as they often do, to put a stop to the Meeting-houses, but particularly such as had the *English Service*, and in the first place that of Mr. *Greenshields*; but at the same time, it was told to several Persons, that if the Service of the Church of *England* was laid aside, no Episcopal Minister, tho' not qualify'd by Law, shou'd be disturb'd; for their Zeal for the Civil Government was, it seems, laid aside for that time. [A] But it appearing difficult to reach Mr. *Greenshields*, a Person qualify'd by taking the Oaths of Allegiance and Abjuration, and praying for the Queen and Princess *Sophia*; One of the Town Captains was sent to his Meeting-House, probably to pick up somewhat that might be a Ground to proceed against him on; but in his Sermon he meddled with no Point that might give Offence, nor ever does; so that to proceed against him at last, was found impracticable: After this, there is an Insinuation made to an eminent Person in the Government, that if Mr. *Greenshields* proceeded, a Mobb could not be prevented; and Mr. *Greenshields* was moved by that Person to desist for a Time; but he being satisfied in his Conscience, that he acted nothing contrary either to his Loyalty, or to Religion, civilly refused, relying on the Justice of the Government for Protection as a free Subject; because, tho' *Presbytery* be established, yet there is no Law against their Episcopal Meetings, or making use of the Liturgy of the Church of *England* in them; and this his Resolution he communicated to the Lord Provost of *Edinburgh*, and crav'd his Protection, who told him he design'd to give him no Trouble, but fear'd he might meet with it.

When these Methods failed, another Stratagem was used. The Owner of the House being a *Presbyterian*, and (as appears by the Sequel) a weak Man, was practis'd upon, to apply to the Dean

of



of *Guild*, by a Petition, representing that he had lett a House to Mr. *Greenfields*, only for the Accommodation of his Family, and that, contrary to Agreement, he had altered the Form of his House, by taking down the Partitions; and, by bringing in Crowds, did endanger the Falling of the House. Upon this Petition, without ordaining Mr. *Greenfields* to see it in common Form, or allowing him an Opportunity of answering for himself, there was immediately a Warrant sign'd by the Dean of *Guild*, without farther Enquiry, to demolish and pull down all the Desks Mr. *Greenfields* had put up. Which was accordingly done in a Violent and Unprecedented manner, by turning out the Workmen, and shutting up the House, with Mr. *Greenfields*'s Goods in it. Mr. *Greenfields* address'd himself first Privately, and then by a Petition to the Dean of *Guild*, shewing the gross Falshood of his Landlord's Petition, and offering, by Witnesses of undoubted Credit, to prove, not only that at letting the House, the Lessor did fairly agree to its being made a Meeting-House, but did so far concur, as to go along to the Carpenter, and give Directions how to take down the Partitions, and how to dispose of them; and desiring to be restor'd to the Possession of his House, till the Truth should be examin'd on both sides, it being contrary to the very Nature of Justice, to condemn a Person without hearing him: but all this was to no Purpose; Mr. *Greenfields* was still put off with Delays, without any hopes of Redress.

In the mean time, Mr. *Greenfields* hired another House, and continued to have Worship in it; so that all the former Devices failing, the last Effort was to be made; in Order to which, Mr. *Greenfields* is summoned to appear before the (B) *Presbytery* of *Edinburgh*, to give Account of himself, as it was call'd. At his Appearance, he produced the Testimonials above-mention'd, with his Letters of (C) Ordination, Revised and Approved by the Lord Primate of all *Ireland*, and by two other Bishops there, as appeared by their several Dockets and Subscriptions on the Back of the Letters; and having thereby answered all he judged he was bound to do, he told them, he had in a Christian manner given them Satisfaction, that he was no Vagabond; and that since it was plain, by his Credentials, he was a Minister of the Communion of the Church of *England*, he conceived, as such, he was not subject to their Jurisdiction, and therefore declin'd their Authority, and thereupon Protested: But, being desired to dictate his Protestation to the Clerk, he enlarged in the manner, contained in the Act hereto subjoined; in which, if there is any thing less accurate than it ought to have been, a candid Judge will readily forgive it, considering it was dictated *Extempore*, and whiles the poor Gentleman, a Stranger, was placed in the Mids of a Crowd, he had Reason to believe, were his inveterate Enemies, and the Chief of which were daily in their Sermons inveighing against the  
Worship

Worship he used, and in a Place where the bare Directing the Gentleman how to do, in Form, what he intended to do, was a heinous Crime, deserving no less than Commitment to Prison; so Absolute is that great Judicature. After Mr. *Greenshields* had made his Protestation, he was removed, and they proceeded against him by making the Act hereto subjoin'd, he having a second time adhered to his Protestation. The Execution of the Act being remitted to the Magistrates of *Edinburgh*, some Days after, they called before them Mr. *Greenshields*, to notify the Sentence of *Presbytery* against him, and demanded if he was resolv'd to submit to it; in Answer to which, he told them, that having declined the Authority of the Court, he would not act consonant to himself, if he did: upon which, he was discharg'd to preach, under Pain of Imprisonment: But trusting to the Justice of his Cause, because he offended against no Law, he had publick Worship in his Meeting-house the *Sunday* following. In the mean time, some Persons of more than ordinary Zeal, would, it seems, have a Share in their Way of suppressing Mr. *Greenshields's* Meeting-house; and to that end, on *Saturday*, about 7 or 8 at Night, one comes to his Lodgings, and delivers the (D) Letter herewith printed, to his Landlady, who carried it immediately into his Chamber, where he open'd it, and soon discovering the Strain of it, went to enquire for the Bearer; but he had slipp'd away, pretending he would return for an Answer.

Mr. *Greenshields* having, as has been told, continued to officiate in his Meeting-house, he was again ordered to appear before the Magistrates the *Thursday* following, where he was asked, if he had preached the preceding *Sunday*? and, for Answer, told, That since, at his last Appearance, they had notified to him, that his Preaching would be a Crime for which he was to be imprison'd, he judg'd he was not bound to be his own Accuser; but, if he was in any thing criminal, he hoped to have the common Benefit of seeing, in Writing, what was laid to his Charge, that he might prepare his Defences. This was refused; and the Magistrates, without allowing him to be present, examin'd some little Underlings, that had been sent to peep into his Meeting-House, and they deponed, they saw him officiating. Upon which, he being again call'd in, he thought it was in vain to deny what they had proved; and he had no design of denying, except for Form-sake. Upon which, they immediately order'd him to Prison; where he now lies, until the Justice of the Government interpose for his Release.

*Remarks*



## Remarks on Mr. Greenshields's CASE.

[ A ] **A**T the same time, great Numbers of the *Presbyterian* Preachers are not qualified, by taking the Oaths; none of them pray for the Princess *Sophia*, and the Protestant Succession: No, the Government must take their honest Word for their Loyalty; and yet, one would think, there are many Parties deserve better to be credited in that Point.

[ B ] The various Circumstances of Times have a very great Impression on the Minds of some Men and Parties. What was right the other day, is wrong now, if their Interest require it should be so. In the Reign of the late King *James*, *Presbyterians* preach and write for Liberty of Conscience, and against Penal Laws; they highly applaud that Prince, in their Address to him, upon his Indulgence, tho', they thought, it brought in *Poper*y at its heels; but now they have a Law, establishing them, the Case is altered; all of contrary Profession must be suppress'd. But tho' this was their private Sentiments, yet they were unwilling openly to counteract themselves at first, until they were brought to a pinch. And, therefore, when *Episcopal Ministers* were persecuted by Imprisonments, and other Hardships, they pretended, it was not for their Preaching, but because they were not qualified to the Government, and did not pray for the Queen; and, tho' they have imprison'd some that did both, yet this is confidently denied, in *London*, that any such thing is true.

But when one comes qualified to the Government, in a Degree beyond themselves, then the Mask is pull'd off; it's no longer a Concern for the Civil Government moves them; he must be taken out of the Way; he useth an Unpure, and, as some have termed it, an Idolatrous Worship. An Indulgence was a good thing, tho' it brought in *Poper*y along with it; but now Toleration is establishing Iniquity by a Law, as a Petition of the Committee of the General Assembly to the *Scots* Parliament express'd it; it may bring in the *Liturgy* of *England*; and, People are always to fear their greatest Enemies most: Where is the Inclinations of the People now, when they dare not be trusted with so much as a Connivance, after 20 Years Settlement of *Presbytery*?

[ C ] In the *Presbytery's* Sentence against Mr. *Greenshields*, they seem to found on Two Things; That his Ordination was by an exauktorate Bishop, and that he used a Worship contrary to the Purity of theirs. As to the first, the Design of these Remarks will not allow a long Discussion of the Question about the Validity of Ordination by an exauktorate Bishop; an Argument *ad Hominem*, as they call it, will serve the Purpose. Was the Ordination of all the *Presbyterian Ministers* from the Year 1660. to

King James's Indulgence, void and null, because *Presbytery* and *Presbyterian Ministers* were excommunicate? Nay, was even a subaltern Ordination by *Presbyterians*, who were ordained during the Suppression of *Presbyterian Government*, invalid? If it was, why were not such re-ordained, when *Presbytery* was again settled? But, suppose it a Defect in such an Ordination, that it wants Civil Authority; is not that abundantly supplied, by the Person's being received a Member of a legally Establish'd Church? Are there not some Hundreds in the like Circumstances, in the Church of *England* and *Ireland*? Are not the *Primate* of all *Ireland*, and the other Two Bishops, better Judges of the Validity of the *Episcopal Ordination*, than the *Presbytery* of *Edinburgh*? But his Letters of Ordination makes him a Minister of the *Scots Episcopal Church*; and, he calls himself a Minister of the Church of *England*. Strange Paradox! Does a *Dutch Presbyterian Minister* want to be re-ordained, if he comes to *Scotland*, and will he not be a good *Scots Presbyterian Minister*? This was not the true Reason of prosecuting Mr. *Greenshields*; it was easily foreseen, others might be had, against whom even this trifling Objection could not be made. But the Worship he used, was the Affair they struck at; it was a Worship contrary unto the Purity and Uniformity of the Worship of their Church. Now, a Worship contrary to a pure Worship, must needs be impure; and so they had the Modesty not to name the Worship Her Majesty useth directly, but so as one Syllogism brought the Matter about to the same. This appears farther, by the Act of the Commission herewith printed, in which the Worship of the Church of *England* is conceal'd under the Name of Innovations; but in the Pulpits, they make no Bones of railing directly against it.

There's another Ground, they insinuate, of proceeding against Mr. *Greenshields*; he has, in high Contempt of their Church, declin'd their Authority in Spirituals: And, do not the *Dissenters* think themselves at the same Freedom in *England*, when there is no other Ground to proceed on against them, but as *Dissenters*? Will they tamely submit to a Censure of the Establish'd Church there, if they once verified their Ordination, and vindicate themselves from any thing unworthy of their Ministry? But here is no Toleration, neither is there any in *Ireland*; yet, if a *Dissenting Minister* there can vouch his Ordination in his own Way, and that he is guilty of nothing unworthy his Character, the Church will not think him to be farther subject to them; if he preach without a legal Toleration, it's the Civil Magistrates business to look to it.

[ D ] This Letter sent to Mr. *Greenshields*, favours of the Old Sett that murder'd Archbishop *Sharp*. 'Tis truly Jesuitical; and tho' it may have been design'd only to frighten, yet 'tis a bad Practice for Men to use themselves to be too familiar with such Threatnings: If they have Courage enough, they may come at

last



last to put in Execution either upon themselves, or others, and to end their Days with a Halter. Though it were hard to load a Party with what is only the Fault of a Few, yet it is a great Reflection on any Society of Men, to have Persons of this Kind nursed among them. The World is apt to think something is Taught, or laid in that way that raises up some to such a Ferment; and this is not only the present Instance, some have pretty openly expressed themselves after this manner, on this present Occasion: If Providence do lay them more open, it's fit for the Security of Her Majesty's Lieges, they have a publick Mark to be known by, that like mad Dogs they may be avoided. These tell Mr. *Greenfields*, he is a Tool to disaffected Persons, and Ministers that pray for the Queen four or five times at Meeting, and for the Princess *Sophia*, are such Tools too! But after all, the Bulk of Mr. *Greenfields*'s Hearers are *English*: And if any disaffected Persons come there, 'tis a good School to learn Loyalty in, since they bear a Part in the Worship themselves.

*Act of the Commission of the General Assembly,  
against Innovations in the Worship of GOD.*

At Edinburgh, 5th August, 1709.

**T**HE Commission of the General Assembly of this Church, Taking to their Serious Consideration; That the Purity of Religion, and particularly of Divine Worship, and Uniformity therein, is a Signal Blessing to the Church of Christ, which all good Christians are bound to maintain and contend for, especially the Ministers of the Gospel: And that it hath been the great Happiness of this Church, since Her Reformation from *Popery*, to have enjoyed and maintained the same. Like as, by the 5th Act of the Parliament, held *anno* 1690. and the 23 Act of the Parliament 1693. the foresaid Purity and Uniformity of Worship is provided for, which Acts are also most expressly Ratified and Approved by the 6th Act of the Parliament 1707. Whereby Her Majesty with Advice and Consent of the Estates of Parliament, Doth confirm the Establishment of the Protestant Religion, and the Worship, Discipline and Government of this Church, to continue to the People of this Land, to all succeeding Generations. And further, That it is expressly provided, by the Act of Ratifying and Approving of the Union of the Two Kingdoms of *Scotland* and *England*, that the Form, Purity and Uniformity of Worship, as now Established in this Church, is, in the Terms of the foresaid Acts, to continue to the People of this Land, without any Alteration in all succeeding Generations: And it is also therein Statute and Ordain'd, that the said Establishment shall be held

and observ'd in all time coming, as a Fundamental and Essential Condition of the aforesaid Union of the Two Kingdoms, without any alteration thereof, or derogation thereto, in any sort for ever.

And being well informed by Representations from several Places of this Church, and particularly by a Reference from the *Presbytery of Edinburgh*, that the aforesaid Acts are manifestly violated by Persons of known Disaffection to the present Establishment in Church and State; their Introducing the Use of Set Forms, Rites and Ceremonies in the Worship of God, in publick Assemblies, manifestly contrary to the foresaid Purity and Uniformity, which are Established by the Acts above-mentioned, the Introduction whereof was not so much as once attempted, even during the late Prelacy.

Considering also, that such Innovations are Dangerous to this Church, and manifestly contrary to our Confession of Faith, founded on the Word of God, and Established by Law, and unalterably secured to us by the aforesaid Union, which Confession expressly declares, That nothing is to be admitted in the Worship of God, but what is prescribed in the Holy Scriptures.

And considering that the Attempts made in former times for the Introduction of these Innovations in the Worship of God in this Church, have been of Fatal and Dangerous Consequence to the Nation; And that the bold, and incessant Endeavours that are now used by Men of Restless and Divisive Spirits, to promote the same, are manifestly Factionous, and have created Jealousies and Animosities among the People.

And Lastly; Considering, That the late General Assembly did Instruct and Enjoin us, to use all proper means, for suppressing and removing all such Innovations, and preventing the Evils and Dangers that may ensue thereupon to this Church.

Therefore, and upon all these Considerations: We the said Commission of the General Assembly, being moved with Zeal for the Glory of GOD, the Purity and Uniformity of his Worship, and for securing the Peace and Quiet, both of Church and State: Do hereby Discharge the Practice of all such Innovations in Divine Worship within this Land, and earnestly obtest, and in the Bowels of our LORD JESUS CHRIST, exhort and beseech People of all Ranks, carefully and conscientiously to avoid, and utterly to discountenance all Innovations in the Worship of God, contrary to that Purity and Uniformity practised in this Church, and established by the Acts of the General Assemblies thereof, and the Acts of Parliament above-mentioned, particularly the Act concluding the Union of the Two Kingdoms.

And farther, The said Commission requires and obtests, all the Ministers of this Church, especially, these in whose Bounds any



any such Innovations are, or may happen to be, to represent to their People the Evil thereof; And seriously to exhort them to beware of the same, and to deal with such as do practise these Innovations, in order to their Recovery and Reformation, according to the 15th Act of the General Assembly 1707. Entitled, *Act against Innovations in the Worship of GOD*: And that *Presbyteries* in whose Bounds these Innovations are, or may happen to be, take notice of such Innovators and Innovations, and be careful to prosecute the foresaid Innovators, and take Tryal of these Innovations, and censure and suppress the same, according to the Authority committed to them, and that they do apply to the Civil Magistrate in the Terms of Law, for rendring their Censures and Sentences effectual, according to the 23 Act of Parliament 1693. and give an exact account of their Diligence therein, to the next Meeting of the Commission: And ordains these Presents to be printed, and transmitted to the several *Presbyteries*, with all possible diligence, that the same may be read from the Pulpits in all the Congregations of this Church.

*Extracted by me, J. O. DUNDAS, Cls. Eccl. Scot.*

*A Copy of a Letter directed thus: To Mr. James Greenshields, in the middle of the College-Wynd, East-side.*

S I R,

*Edinburgh, September 10th, 1709.*

**I**T is with much impatience that many have waited what the Civil Magistrate and Church Judicatories would do, as to your unwarrantable Intrusion on, and Innovation of the Worship of this Church; and now, that they have ordained you to forbear your disorderly Practices, This is to give you fair Warning, that if you persist in these Courses, there are not a few, who will think it their Duty, to concur with the Government to bring you to Order. And being now known in the Place by Eye, and your Quarters got notice of, assure yourself, that if you continue any longer in this Place, you shall have a Visit from some whom you do not desire, and which shall not be to your Advantage; and if any Evil befall your Person, remember you have got fair Warning; and it's in your power to prevent it, by leaving this Place. We know, you pretend Loyalty to the Queen; but your Practice shews you to be a Tool to a Disloyal and Disaffected Party; and you are look'd upon (and that justly) as an Enemy to the Peace and Quiet of Her Majesty's Government. And, therefore, neither you, nor these, who own you, will be suffered in your Schismatical

matical and Unlawful Courses. The Purity of the Doctrine and Worship of this Church, is what the People of this Nation has contended and suffered much for; and they neither can nor will sit with your Contempt of the same; and your scurrilous Speeches of our blest Confession of Faith, and Catechisms, and your pretended Friends, who make you their Tool, shall not be able to protect you against Law, and the Sentences founded thereupon. And we must say, once more, remember you are in hazard; for we will never put your Life in the Balance with our happy Establishment, which is dearer to us than our own Lives: And, we plainly see the Design you and your Accomplices have against the same, which has been too long born with. And, if you will not take the Advice given you, then stand to your Hazard.

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### *BILL of Suspension for Mr. James Greenfields.*

**M**Y Lords of Council and Session, unto your Lordships, humbly means and shews, your Servitor Mr. *James Greenfields*, late Minister at the Church of *Tynan*, in *Ireland*; that, where I being cited before the *Presbytery* of *Edinburgh*, for alledged Exercising the Holy Ministry, without the Allowance of any Church Judicatory, and bringing in Rites and Ceremonies, contrary to the Purity and Uniformity of the Establish'd Church of *Scotland*, the said *Presbytery* did prohibit me to exercise any part of the Holy Ministry within their Bounds; and did, thereafter, apply to the Magistrates of *Edinburgh*, to render their Sentence effectual: Who, upon the Tenth Day of *September* last by past, did interpose their Authority to the Sentence of the *Presbytery*, and did expressly prohibit me to exercise any Part of the Holy Ministry within the Bounds and Liberties of the good Town of *Edinburgh*, with certification, that if I transgressed in any part of the Premises, I should be imprisoned in the *Tolbooth* of *Edinburgh*, and suffer such other Punishments as they should think fit to inflict upon me; And, for alledged contravening of their said Sentence, by preaching and performing Divine Service publickly upon the *Sabbath-Day* thereafter, having caused actually incarcerate me within their *Tolbooth*, therein to remain ay, and while I find caution to desist from the Exercise of my Ministry, within the City of *Edinburgh*, and Suburbs thereof, in time coming: Most wrongously and unjustly, considering it is of Verity, that I being legally ordain'd a Minister of the Gospel, did, for some time, serve the Cure at the said Church of *Tynan*, in *Ireland*, under one of the *Prebendaries* of *Armagh*, and was duly qualified, both to the late King *William*, and to Her present Majesty; and am known to be well affected to the present Government,



vernment, as will appear from ample Testificates of my Qualifications and good Behaviour, from the Arch-Bishop of *Armagh*, and the Clergy of that Diocese; And, having occasion to come over here, about my necessary Affairs, before I was ready to return, the said Prebendary, under whom I had the Cure at the Church of *Tynan*, happened to die, and I thereby render'd destitute of a Charge; and being, at the same time, earnestly invited, and desired, by several Persons here, who are of the Communion of the Church of *England*, their Native Country, and who did not join with the present Establish'd Church here; (so that no Establish'd Minister's Charge was incroach'd upon:) And having Counsel and Advice, that there was no Law to the contrary; so was prevail'd upon to Preach, and read Prayers to these Persons, after the Form of the Church of *England*. And I engaged in this the more readily, when I consider'd, that the *Presbyterian* Dissenting Ministers in *Ireland*, (where they have no Toleration from the Government, as in *England*) and who are, for the most part, *Scots-men*, if they be qualified according to Law, and preach and live as becomes, are never disturbed by the regular Clergy; but they enjoy the free Exercise of Religion, after their own Way, almost in every Parish: And I did expect that their Brethren in *Scotland* would not do to others, what they would not have others do to them. Having thus laid before your Lordships the Matter of Fact, and Circumstances thereof, it is evident, that the Procedure and Sentences, both of the *Presbytery* and good Town of *Edinburgh*, have no Ground nor Foundation in Law, and so are most unwarrantable; for the Reasons following. *Primo*, I being legally ordained a Minister, and duly qualified as such, am under the Protection and Favour of the Government, by several Laws and Acts of Parliament; and particularly, by the Sixteenth Act of the Meeting of the States of *Scotland*, holden in *Anno* One thousand six hundred and ninety nine Years, whereby it is prohibited and discharged, that no Injury be offered by any Person whosoever, to any Minister of the Gospel, either of Church or Meeting-House, in the Possession and Exercise of their Ministry therein, they behaving themselves as becomes under the present Government. And therefore, the foresaid Sentence of Imprisonment and Execution thereof, is manifestly illegal and without Warrant; Especially considering, *Secundo*, That the only Reason assigned for the Sentence, is, that I did judicially acknowledge, that I preached and performed Divine Service publicly upon a Sabbath-Day, after I was discharged therefrom by the *Presbytery* of the Bounds, and in contempt also of the Magistrates Sentence, interposing their Authority to the *Presbytery's* aforesaid Prohibition; with, and under the Certification, not only of Imprisonment, but of such other Punishment as they should think fit to inflict; which Reason can never be sustained to support the fore-  
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said Sentence in Law, there being none that authorizes or gives Warrant to any *Presbytery*, or other Church Judicature, to prohibit and discharge any Minister from Preaching, or having publick Prayers in his own Family, or other private House, which is all that I do; unless it could be qualified, that the Doctrine preached by me was Erroneous, or that my Prayers contained any thing not warranted from the Word of God, and Rule of our Faith, which in the present Case, was not so much as alledged, or that any thing was said or spoke by me, in my said Religious Performance, shewing any Disloyalty to the present Established Government. And as no Church Judicature had any Authority from Law, to issue out such a Prohibition, much less are the Magistrates of the Good Town authorized to give their Authority thereto, and that by pronouncing a Sentence of Imprisonment, and other Punishments against the Transgressors. For albeit Magistrates, Judges and other Officers of Justice, are by Law required to give all due Assistance, for making the Sentences and Censures of the Church and Judicatories thereof, to be obey'd, yet that can be only understood of Church Censures, with respect to the Corruption of Life or Doctrine, or of such Sentences within their Spheres, and Jurisdiction, which can never be extended to the present Case, or beyond Ministers and Preachers within the Churches Communion, whereof the Suspender is not. And that the Churches Jurisdiction is thus restricted over Ministers and Preachers, admitted and continued within their Communion, does evidently appear from the 23d *Act* of the Parliament holden in *Anno* 1693. Yea farther, so careful are our Laws of giving their Protection to all Ministers and Preachers of the Gospel that are qualified to the Civil Government, that albeit they do not subscribe the *Confession of Faith*, own and acknowledge the present Government of this Church, not to observe the same *Uniformity* of Worship, that the present Government does enjoin and practise, as is required by the foresaid 23d *Act*, which concerns only Ministers in Churches, and those of the Churches Communion, as said is; yet the samen is dispensed with, and the Law in so far derogat from, by posterior Laws, and particularly by the 27th *Act* of Parliament holden in *Anno* 1694. whereby 'tis provided and declared, That all Ministers who shall duly qualify themselves, by taking the Oath of *Allegiance*, and subscribing the *Assurance*, without Imposing upon them the other Qualifications mentioned in the said 23d *Act* of the Parliament, 1693. with respect to the Church Government, and Form of Worship, shall have the Government's Protection, as to their Kirks, Benefices and Stipends. Which *Act* in Favours of the said Ministers, is ratified by the *Act* 2d, of the Parliament 1700. *Act* 3d Parliament 1702. and *Act* 2d Parliament 1703. And if the Law does thus dispense with the want of *Uniformity* of Worship in Fa-

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vours of Ministers in the Possession of Churches, and protects them in their Rights and Benefices, notwithstanding of the foresaid 23d *Act* in *Anno* 1693. which may be said to comprehend them; then much less can the said *Act*, with respect to what it requires, as to the *Uniformity* of Worship, and Owning of the *Presbyterian* Government, be extended to Preachers that are qualified to the Government, who preach and pray only in private Houses, tho' in a different Form and Manner from that of the *Presbyterian* Church, since the Form and Manner of Worship observed by the Suspenders is not Reprobat, or discharged by any Law. And my Case can never be said to be comprehended by the foresaid 23d *Act*, I neither being received in the Communion of this Church, nor in the Enjoyment of any Benefice. *Tertio*, As it thus appears, that the above Procedure against me, has no Foundation or Warrant from the Acts of Parliament; so it cannot possibly be warranted from any pretended *Act* of the Commission of the General Assembly, who has no Legal Power to form or make any Acts, with respect to those without their Communion, who have their freedom to choise what Form or Manner of Divine Worship they think most agreeable, providing the same be not discharged by the Civil Authority. *Quarto*, The restraining of Mens Liberties without a legal Ground, is such a horrid Injustice to Nature, (Liberty and Freedom being the most valuable Interests of Mankind) That the Laws of all Nations and human Societies do anxiously provide for the Security of Liberty, by inflicting of severe Punishments upon the Unjust Restrainers thereof. And herein our own Laws are not defective, as appears from the 6th *Act* of the Parliament 1701. by which most excellent Law, full Provision is made, for securing of the Liberties of the Subject, and against their *Wrongous Imprisonment*. And since my Imprisonment (which has continued for near two Months, to the great Prejudice of my Health, as well as of the Means of Subsistence of my self, and numerous Family) proceeds upon a Sentence, without the least Warrant, or any Shadow of Law, as appears from the Premises; Therefore the foresaid Prohibitions and Sentences against me, ought to be *Simpliciter* Suspended by your Lordships, and I Ordain'd to be set at Liberty, and that without finding of Caution, as the Warrant for my Imprisonment requires. *HEREFORE*, I beseech your Lordships, for your Warrant and Deliverance, for Letters of Suspension and Liberation, in the Premises, in Communi Forma; According to Justice and your Lordships Answer.

Tolbooth of Edinburgh, December the 5th, 1709.

Reverend Sir,

**T**HIS is to inform you, that since my last to you, I have applied to the Lords of our Session, for my Liberation, and gave in my Bill of Suspension, which I have here inclos'd; but they instead of considering what, in my humble Opinion, regularly they ought to have consider'd, viz. The Cause of my Imprisonment, alledged in the *Presbytery's* Sentence, and that of the Magistrates in pursuance thereof, and their Warrant of Imprisonment thereupon (all which I send you inclos'd) namely, *my bringing Rites and Ceremonies into this place, contrary to the Purity and Uniformity of their Worship*: I say, instead of considering this, the Lords went off the State of the Question, and finding no way to attack me, as I think, legally, fell upon a Notion afforded 'em by the Magistrates Answer to my Bill, and first broach'd by Sir J---s St---t, *That no Minister ordain'd by an Exauctorated Bishop (for such they call all the Right Reverend Bishops of this Church) has true Ordination.* What their Lordships Reasonings were upon this Head, I design to publish at large; and shall now only mention two of 'em. The first was of the Lord M---o, who, after my Lord Gr---ge had asserted and fully prov'd the Validity of my Ordination, not only from the Principles and Practices of the Church of *England*, but also of their own Kirk, learnedly confuted all he had said, by this one positive Assertion, *That an exauctorated Bishop has no more Power to ordain a Minister, than a Ballad-cryer in the Streets*; and this was supported by another Lord's Opinion, *That he had no more Power to Ordain, than a depos'd Colonel or Captain of Horse has to give Commissions to Subalterns*; so that upon the whole, my Bill was refus'd, and I bereft of all hopes that way; so that I am forc'd to appeal to Her Majesty and the House of Lords, from whose great Equity, Moderation, and Justice, I hope for that Redress, which I am so unhappy as not to be able to obtain in my Native Country. For, besides the Hardship of my Case in particular; I presume to say, if my Persecutors are permitted to treat my Episcopal Brethren, as they do, *ad libitum*, and with Impunity, I am afraid they will attempt the Revival of their old *Solemn League and Covenant*. For, that many of them think that still binding on 'em, the following Instance, amongst many others, may evince. At *Sterling*, within these ten Weeks, they were placing a Minister; *Logan*, who was the Preacher, and examin'd the new Intransigent, ask'd him amongst many other Questions in the Church of *Sterling*, many Hundreds present, *Whether he believ'd that the National, and Solemn League,*  
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and Covenant as it was binding upon their Fathers, who took it, so also it was equally binding upon them? And he was answer'd, he believ'd it was; which is down-right Treason, and contrary to many Acts of Parliament unrepeal'd. So that I think it may well be fear'd, that restless Tribe, who are of this Opinion, may once again attempt the Reformation of the Church of *England* to their Model, and endeavour to propagate the same Rebellious Notions in the Southern parts of the Island. So that a Toleration of Episcopal Ministers here, seems to be highly Necessary for the Preservation of the Peace and Union of both Kingdoms, the Service of Her Majesty, and Safety of the Church happily established in *England*. As for the Ministers of the other Persuasion, whatever Pretences they may make to Loyalty, I can affirm, that there are two Episcopal Ministers, who have taken the Oaths to Her Majesty, for one of them, in proportion to their different Numbers; that before I came to this City, I heard nine of them Preach and Pray, and never heard one of them name the Queen in their Prayers. Nay, some of them had the Insolence and Hardiness, to tell their Congregations on the late Thanksgiving Day appointed by Her Majesty and Council, *That they were not come there out of any Obedience to the Queen's Proclamation; but to their Synod, which had enjoin'd that Thanksgiving for their good Harvest.*

I hope, you will pardon the Tedioufness of my Letter, and believe me to be, Sir,

Your affectionate Brother,

And humble Servant,

JAMES GREENSHIELDS.

*To the Right Honourable the Lords of Council and Session, the PETITION of Mr. James Greenshields, Minister of the Gospel.*

*Humbly Sheweth,*

**T**HAT your Petitioner having presented a Bill of Suspension to your Lordships, of a Sentence of Imprisonment pronounced against me, by the Magistrates of *Edinburgh*, whereupon I being now detained in Prison these nine or ten Weeks, my Bill did therefore bear a Charge to put at Liberty.

Your Lordships were pleased to refuse my Bill upon this ground, that I was not a Minister, having been ordained by an Exauſtorate Biſhop.

In my Bill of Suspension, I did lay before your Lordships, the Reason of my being in this City, and what induced me to perform Divine Worship after the Form of the Church of *England* in this place: And did endeavour to make it clear and evident, that there is no Law against the performing of Divine Worship in that manner, and consequently no Transgression; so there was no Law or Statute impowering the present established Church of *Scotland*, to prosecute and judge one duly qualified to the Government, for Exercising the Office of the Ministry in a private way, being Blameless in his Life, and Orthodox in his Doctrine. But it never entered my Thought, that your Lordships would have taken notice of, or questioned the Validity of my Ordination. And seeing that your Lordships did go solely and allenarly upon that ground, and find me to be not a Minister but a Lay-man, as having received my Ordination from an Exauſtorate Biſhop, and therefore refused my Bill:

I do, with all Submission, take leave to reclaim against your Lordships Sentence, upon the foresaid ground, and shall endeavour to make it evident to your Lordships; first, that the Validity of my Ordination was not the ground that regularly your Lordships should have had under consideration at the advising of my said Bill. And then, 2dly, That my said Ordination is as valid as the Ordination of any other Minister of the Gospel whatsoever.

For clearing of the first, I must beg your Lordships Patience to inform you, that upon the 2d day of *September* last, I was cited to compear before the *Presbytery* of *Edinburgh*, only to give an account of myself, as being a Stranger in the Place, and taking upon me to exercise the Office of the Holy Ministry, and convene People to hear me, without the Authority of any Judicatory; as the Copy herewith produced will instruct. I did very readily comply with the *Presbytery*, so far as to compear, and did produce to them my Letters of Orders, by the late Biſhop of *Ross* in *Scotland*; and my Letters of Cure to the Church of *Iynan* in *Ireland*, by his Grace the late Lord Primate of all *Ireland*, approved of at several Visitations. As also very ample Certificates, by his Grace the present Lord Primate of all *Ireland*, and under his Archiepiscopal Seal, and from his Vicar-General, and others of the Clergy of the Diocese of *Armagh* ( wherein I exercised my Ministerial Function ) of my Qualifications and good Behaviour there, for the space of twelve Years; and of my good Affection to Her Majesty and Her Government, which is also attested under the hands of several Honourable Gentlemen of the Parish where I served the Cure, and the Neighbourhood thereof, which I did think fully answered the Reason of my being cited before them.



them. But they proceeding farther to question me, with respect to some Acts of their *Commissions of Assemblies*, I neither knowing, nor being concerned to know any thing of these matters, they being no Laws or Statutes of this Realm, nor being cited to any such purpose, I did therefore decline their Jurisdiction; upon which they forthwith proceeded, and gave Sentence, discharging me to preach, within the Bounds of their *Presbytery*. And the Reasons of their Sentence are; *First*, Because of my high Contempt of their Authority, in declining their Jurisdiction. And *Secondly*, Because I was introducing a *Form of Worship* contrary to the Purity and Uniformity of the Worship of this Church established by Law, without their Allowance, as appears from a true Copy thereof hereunto subjoined. But none of the Reasons given for their Sentence is, because my Ordination is invalid, as flowing from an Exauctorate Bishop, albeit they do mention in their Sentence, that I did produce an Act of Ordination by an Exauctorate Bishop, but do not give that as any of the Reasons hereof. And the Magistrates of *Edinburgh* do not, in the least, meddle in the Case, as would appear by their Sentence; but they refuse to give me an Extract thereof, as an Instrument requiring it, herewith produced, will testify, but simply interpose their Authority to the *Presbytery's* Sentence, and for alleged Contravention thereof, have put and detained me in Prison, now these ten Weeks as aforesaid.

This being the true State of the Charge and Sentences against me, it is evident, that the foresaid Reason of your Lordships refusing my Bill, is not the Cause of the said Sentences pronounced against me, either by the *Presbytery* or the Magistrates; and had this been taken notice of by your Lordships, at advising of my Bill, it could not have been possibly refused upon any such Reason; for when a Suspension of a Sentence or Decree is offered to your Lordships, the Sentence is to be considered according to its Tenour, as it stands, and no ways to be supported and confirmed with any other Reasons than such, whereupon it proceeds: And therefore, I conclude, that the Magistrates of the good Town have not exhibit to your Lordships, more than they'll do to me, the Sentence whereupon their Warrant for my Imprisonment proceeded; but, from what Reason, I leave your Lordships to judge, they have industriously amused your Lordships in their Answers to my Bill, by founding upon Reasons altogether Foreign and Extraneous to the Purpose. And therefore, I must plead the Benefit of your Lordships Justice, that ye will be pleased to reconsider my Case, and examine the Sentence of the Magistrates, and their Warrant of Imprisonment, as they stand supported with their own Reasons; so that I may not be detained in Prison, and be deprived of my Natural Liberty, and of all the Benefits thereof, upon a Reason, for which I am under no Sentence: And I am the more hopeful that your  
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Lordships will comply with so just a Demand, since 'tis your Lordships Practice in all such Cases; for it was never heard, that a Decree was otherways supported, than with the Reasons whereupon it proceeded, and I am fully persuaded that tho' your Lordships were capable of deviating from established Rules, ye would never have made choice to do it in this present Case, since it brings before your Lordships a Question never before stated or determined before your Honourable Court, nor before any other Christian Civil Judicatory.

But seeing that your Lordships Reasoning upon that Matter in my Case, seemed to differ from the Opinion and Judgment of all Christian Churches and States in the World; I shall therefore endeavour, in the next place, to make it evident and clear, that my Ordination, as it stands, is Valid, according both to *Episcopal* and *Presbyterian* Principles: And that I ought not to be stop't or impeded in the Exercise of the Ministerial Function, much less detained in Prison upon that Account.

The Power and Faculty of Preaching the Gospel, Administering Sacraments, giving Holy Orders, &c. are of Divine Original, flowing from *Jesus Christ, Head of his Church*; and these Powers have been exercised, not only Independent of the Civil Magistrate, but even *oppugnante & reluctant Magistatu*. So the Apostles preached and exercised their Office after they were prohibited by the *Jewish Sanhedrim*, which was the Supreme Court of that Nation, and whose Authority they owned, but could not comply with, when it interfered with the Command of GOD: And therefore *St. Peter* stood up and said, in the Face of the Court, *We ought to obey God rather than Man*. *St. Paul* and *Silas* also were cast into Prison at *Thyatira*; but tho' they were under the Sentence of the Law, they ceased not to exercise their Ministry; for, they first preached the Faith to the Jaylor, and then baptiz'd him and all his Family. And from the Apostles were continued downward in an un-interrupted Succession, the Bishops, Presbyters and Deacons in the Christian Church, who performed the Offices of their Respective Functions, without regard to the Magistrates Prohibition or Restraint: And when the State became Christians, *Athanasius* and many Catholic Bishops were Exau'torated under the *Arian* Persecution, by *Constantius*, *Valence* and others; and yet the Ordinations and other Deeds of these Exau'torated Bishops were not only sustained Valid, but highly approved.

By all which it appears, that tho' the Law then in being, did condemn the Religion, and discharge the Offices; yet, for all their being thus Exau'torate by the Secular Power, and hindered from enjoying Benefices, and other External things that depend upon Civil Government, their Acts of Ordination, and others that are Intrinsic to their Office, were validly performed, as all Church-men do agree in.

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There is a vast Difference betwixt the abolishing the Order of Episcopacy, and Exauſtorating in ſtrict and true Senſe, that is the Depoſing a Biſhop : The Effect of the Former is meerly its ceaſing to be any Part of the Legal Policy or Conſtitution of the Church, to which the Law gives any Encouragement : The other, pre-ſuppoſing a real or pretended Crime in a Perſon, infers an Inability upon that Perſon, to exerciſe thoſe Spiritual Powers conveyed to him by the Church, from our Saviour, the Head of it.

Now the Act of Parliament abolishing Episcopacy, only affecting an Order, but not reſpecting the Perſons of the Men, or conſidering them in the leaſt, whether worthy or unworthy of their Spiritual Office, can never be ſuppoſed any manner of way to affect, far leſs to depoſe them of the Exerciſe of theſe Spiritual Powers that are Intriſick to their Office; and in conſequence to this, whatever Spiritual Powers they exerciſe among thoſe who ſubmit unto them, muſt needs be unexceptionably Valid, notwithstanding an Act of State in abolishing their Order.

But now to bring the Caſe nearer Home, theſe *Presbyterian* Miniſters who were outed and Exauſtorated by the Civil Power, after the Year 1660. did never eſteem any Deed of the State to have deprived them of their Spiritual Power, but continued to exerciſe all the Parts of it, and particularly did by Impoſition of Hands Convey their Power to others, who by virtue thereof did perform the Part of Miniſters, and are at this preſent actual Miniſters in ſeveral Pariſhes of *Scotland*, without any other Solemnity, conſtituting them Miniſters.

But to put the Caſe in a true Light; there are two things in this matter to be conſidered, which are in themſelves Diſtinct, which when confounded, breed Perplexity in this Caſe : There is the Power itſelf, which being a meer Spiritual Power, and from God, cannot be taken away by any Civil Power or Magiſtrate : Then there is the Exerciſe of this Spiritual Power, which falls under the Regulation of the Magiſtrate, by countenancing and encouraging it by Franchiſes and Privileges, which being the Magiſtrates Gift, may again be taken away at pleaſure; or by making the Exerciſe of this Spiritual Power Penal, and inſlicting Punishments in caſe of Diſobedience, the whole Effect whereof is to render the Tranſgreſſor liable to Punishment, but can never amount to invalidate the Deeds done in Virtue of a Power, derived from God, and not from any Civil Power in Nature.

By this Diſtinction, the matter is very clear, and it can never be underſtood that this Spiritual Intriſick Power was touched by that Act that aboliſhed Episcopacy; It only declared that the Superiority of Biſhops over *Presbyters* was no longer to be continued in the Government of this Church, but could never denude them

them of their Spiritual Power, in respect whereof they still continued to be Bishops of the *Catholic Church*, and accordingly all their Deeds were, and have been held to be valid Deeds of a Bishop: And particularly by the Bishops of *Ireland* in your Petitioners present Case, and by the Bishops of *England* also in many like Cases.

Though we are on good grounds, offended with the Constitution of the *Roman Church*, and the Abuses that are brought into the Offices of Ordination, and though the Pope and all *Papish* Bishops stand Excommunicated by the Laws of *Great-Britain* and *Ireland*, yet we sustain their Ordination as Valid, so that no where is a Priest, when he comes over from them to us *Protestants*, obliged to receive Imposition of Hands *de novo*, and when in that Case the Ordination is not quarrelled, what reason can there be for calling in question an Ordination performed by a *Protestant* Bishop, with the Concurrence of other *Presbyters*, according to the express Rubrick of the *English Ordinal*, by which it was performed, and according to the Prescription whereof, some *Presbyters* were assisting, and concurring also by their imposing of their Hands, by which I become a Minister of the *Catholic Church*, and have Power to exercise my Ministerial Office, within any part of the same?

Farther, the *Presbyterian* Ministers themselves, who disown and decry the Office of a Bishop, will not dispute an Excommunicate Bishop's Right to be a *Presbyter*, in virtue whereof, upon their own Principles, he had Power *qua Presbyter*, with Concurrence of other *Presbyters*, to confer the Power of the Ministry; and upon the Supposition that I were to enter, and to be received into the Communion of the present Established Church of *Scotland*, it is humbly conceived, that they would sustain my former Ordination by the Excommunicate Bishop, to be Valid, and that they would not oblige me to receive Imposition of Hands from them *de novo*, whereof there be notorious Instances; particularly of Mr. *Guthrie* admitted by them a Minister in *Orkney*, who had been ordained by an Excommunicate Bishop, as we can instance in others also.

As for that Allegedance, that the Act of Parliament establishing *Episcopacy* and the Act Assertory making the external Government of the Church to depend upon the Regal Power: It is answered, that it is evident from the very Terms of the Act for Restoring and Re-establishing of Bishops, the Power there claimed by the King is only exclusive of any other foreign Power, and justifying the Application of the Civil Power to the Case then in Hand, as doing nothing but what the King and Parliament might lawfully do; and, therefore, the Act does not pretend to give a new Right, but to reintegrate the State of the Bishops, to their former just Rights, whereof they were violently disseized, and restores the ancient Government of the Church, as the Government



ment most agreeable to the Word of God: And, if the *Act Assertory* seem to carry the Matter farther, yet the Mistake is removed by King *Charles II.* who, in his Explanation of the *Test*, does solemnly declare, that by any Power claim'd by him, over the Church or Church-men, he never intended to intrench upon their intrinsic Spiritual Power, which he allowed to be as fully and amply enjoyed by them, as it was in the three first Centuries of the Church, before the Magistrate became a Christian; but to subject the Spiritual Power of Church-men, so absolutely to the secular Power, as that by any Act of the State, they could be divested of their Character, is not only to join Issue with *Erasmus*, but to strain beyond him, into the execrable Principles of *Hobbs*.

From what is above represented, I presume it is evident, that I have not usurp'd nor invaded the sacred Office of the Ministry, without sufficient Authority, which had I done, I acknowledge that my Punishment deserves to be greater than what I have met with; that being, indeed, an Iniquity that ought to be punish'd by the Judge. So that the only thing can be laid against me, is, the Performing of the Service of the Church of *England* within this City, to which, I hope, 'tis a sufficient Answer, that there is no Law nor Statute against it, and my Doing of it upon the Account of some People of the *English* Nation residing, or trading here, who being educated in the Communion of the Church of *England*, and so were not acquainted with any other Form, to whom it were hard to deny that Liberty, makes my Case the more favourable; especially, since it was no new thing in this Place, I having seen and known that Form of Worship practis'd and observ'd within this City, in several Places, for upwards of twenty Years past. And even since the Revolution, so little Doubt was made of the *English Service* being allowable here, that Sir *James Lesly*, Colonel of an *English* Regiment, had his Chaplain still attending him, and in many Towns publickly officiating by that Service, and particularly at *Stirling*, he possess'd himself of the West-Church, for the more convenient and solemn Performance; and this was not so much as grudg'd or complain'd upon; tho' the Law had then establish'd the *Presbyterian Government* and Worship. And, that the same was very publickly us'd during the Reign of King *Charles II.* in his own Palace of *Holy-Rood-House*, for the Use of Her present Majesty, when her Father resided here, and the same was also used in the Publick Offices of Consecration of Bishops, and Ordination of Ministers, where the Service and Forms of the *English Liturgy* were made use of in the Cathedral Churches of *St. Andrews*, *Glasgow*, *Edinburgh*, and others; And was, with very great Advantage, (as it is at this day) made use of as the Publick Form of Devotion in sundry Families of Quality in this *North-Britain*; and therefore, to punish a Protestant Minister with so long Imprisonment, that is

duly qualify'd, for using *English Service* to *English-men*, whose Stations or private Business gave them Ground to stay here, cannot but seem very hard, whereas, in those Places where the *Romish Inquisition* prevails, *English Protestants*, and their Form of Worship finds better Quarters than they do here in *North-Britain*; for Her Majesty's Troops in *Spain* and *Portugal*, are allowed the free Exercise of their Religion, which is deny'd to Her Majesty's Servants here, when he who did officiate to them, is thus treated.

And this long-continued Practice, both before the Revolution and since, of using the *English Service* by all who would within this Nation, is founded upon an indisputable Maxim of Divinity, and I presume of Law also, which is, that what is lawful, and not forbidden, is permitted; and this I take to be the Case of the *English Service* to this day.

Neither does the using of the *English Service* clash with any Law, establishing Uniformity of Worship, or the Act of *Union* ratifying it; for those Acts most clearly relate only to the *Presbyterian Church*, within herself, and not to those who are without her: Those Acts do, indeed, secure the *Presbyterian Church*, from having any Innovation of Worship impos'd upon her, but are no ways inconsistent with another Form of Worship, being us'd by other out of her Communion: For, by the Act of *Union*, the Church of *England* has the very same Security for her Government, Policy, and Form of Worship, as the *Presbyterians* have here for theirs; and seeing the practising another Form of Worship, without the Church of *England*, while no Innovation is made upon that Church within herself, is understood to be very inconsistent with the Security of her Worship, and the Act of *Union* ratifying it, it is not then to be understood how the very parallel Practice here should be reckon'd an Innovation, derogate from the Security of the *Presbyterian* Form of Worship, or interfere, in the least, with the Act of *Union* ratifying it; both Churches (as is said before) being upon the same Foot, and having the very same mutual Security against any Change of their Government and Policy, or any Innovation of Worship.

Not to give your Lordships any farther Trouble; Imprisonment, being the Restraint of natural Liberty, is amongst the severest of Arbitrary Punishments, and no ways founded in Law; but to imprison and incarcerate a Person, *sine die*, is contrary to Law, and is one of the Grievances complain'd of in the *Claim of Right*; and my Case is no better, the Condition of my Liberation being such, as I cannot fulfil without declaring myself unworthy of the *Holy Character* I bear; for, tho' others may put a Restraint upon me, I can, by no means, do it myself: For, suppose that I were call'd to administer the Sacrament of Baptism, or the Lord's Supper, to Persons in Ex-

tramis,



*tremis*, where no other Minister could be had in due time, I could neither answer to God, nor to my own Conscience, to refuse Baptism or the Lord's Supper in that Case, and yet, if I should put a Restriction upon myself, I could not do it. From all which it may appear, the Severity wherewith I am us'd by so long a Confinement, so very disproportionate to my alledged Offence, especially, it having no Foundation in Law, and now in an United Kingdom, should be far less us'd than formerly.

May it, therefore, please your Lordships to reconsider my Case, by Examining the Reasons of the Magistrates of Edinburgh's Sentence of Imprisonment, as they are naked in themselves, with my Reasons of Suspension offer'd there-against; and to take another View of the Power of Ordination; and I shall not doubt but your Lordships will find my Imprisonment illegal, and my Ordination valid, and, therefore, ordain me to be set at Liberty, according to Justice, and your Lordships Answer.

JAMES GREENSHIELDS.

*A Copy of the Summonds given by the Presbytery's Officer, to Mr. James Greenshields.*

**I** John Nasmith, Officer to the Reverend Presbytery of Edinburgh, by vertue of their Order, do, hereby, lawfully summond and warn you, Mr. James Greenshields, a pretended Preacher, to compear before the said Presbytery, within the old Church of Edinburgh, upon the 7th Day of September next, in the Hour of Cause, or when, or where it shall happen to be at the time, to give an Account of yourself, you being a Stranger here; and presuming, at your own Hand, without the Authority of any Judicatory, to exercise the Office of the Holy Ministry publickly on the Lord's Day, and convening People to hear you. This conform to the Presbytery their Order, dated the 24th Day of August 1709 Years. This I do before these Witneffes, Thomas Bell, Baxter in Edinburgh; and William Bell, his Son; and I do deliver to you upon the 2d Day of September 1709 Years.

John Nasmith, Presbytery Officer.

## ADVERTISEMENT.

**T**HE Instrument made mention of in the 21st Page, is not here inserted, in Regard, after the said Sheet was fully printed, the Lord Provost order'd the Clerk to give an Extract of the Magistrates Sentence. Likeas, the Sentence of the Presbytery of Edinburgh, made mention of in the said 21st Page; is not here printed by itself, in Regard, it is fully narrated in the Bosom of the Town's Sentence, hereto subjoin'd, which is as followeth.

*Edinburgh, the Fifteenth Day of September, One thousand Seven hundred and Nine Years.*

**T**HE which Day, the Right Honourable Sir Patrick Johnston, Lord Provost of the City of Edinburgh, George Lawson, George Lind, Robert Craig and Henry Hawthorn, Bailies and Justices of Her Majesty's Peace, within the City of Edinburgh, Liberties and Privileges thereof, sitting in Judgment, anent an Act and Remit from the Reverend Presbytery in Edinburgh, to the Magistrates and Justices, shewing, that where;

At Edinburgh, the seventh Day of September, One thousand seven hundred and nine Years; the Presbytery of Edinburgh having consider'd a Reference from the Session of the College Kirk, concerning Mr. James Greenshields; did, thereupon, cite the said Mr. Greenshields before them, and he compearing, produced an Act of Ordination by the Exauktorated Bishop of Ross; dated August, One thousand six hundred and ninety four Years; bearing, that he was ordain'd a Presbyter according to the Rites and Usages of the Church of Scotland; together with Testimonials from Ireland; was interrogate by what Authority he did preach, and exercise any Part of the Ministry within the Bounds of this Presbytery, without Call or Warrant from this Presbytery conform to Law; he did decline the Authority of this Presbytery and Church, and subscrib'd the same, *coram*. The Tenour whereof follows; *Whereas, being ordain'd a Minister of the Church of England, and has been of that Communion ever since, and now am, and having Occasion to come and to reside in my own Country; where, for my Benefit, and the Benefit of those who were in the same Circumstances with myself, I do, in a private House, keep Divine Worship, according to the Liturgy of the Church of England, and since by the Union of the two Kingdoms, I do believe that the Episcopal Church of Scotland is now incorporate with the Church of England, and that though Presbytery is the legal Establishment of North-Britain, yet I find there is no Law against those of the Communion of the Church of England, to exercise their Worship in a private Manner, without intruding into any Church or Glebe*



of any Minister establish'd by Law; and, therefore, I do not think myself subject or liable to any Censure of any Ecclesiastical Judicatory in North-Britain, but only in so far as to give an Account that I am lawfully ordain'd Minister, and free of any Scandal that may incapacitate me for such an Undertaking. And whereupon I take Instruments. Sic sub-  
*bitur James Greenshields.* Which being read, he was remov'd, and being call'd in again, and the Moderator having told him that he had declin'd the Authority of this Church. To which he reply'd, that this Church had no Jurisdiction over him as to Spiritual Concerns, and adher'd to his former Declinature. All which, the Presbytery considering, do find, that the said Mr. Greenshields has, in high Contempt of this Church Establishment by Law, declin'd their Authority; that he has exercis'd the Ministry within the Bounds of this Presbytery, without their Allowance, which is an unwarrantable Intrusion; and introduc'd a Form of Worship contrary to the Purity and Uniformity of the Worship of this Church establish'd by Law. Wherefore, the Presbytery did, and hereby do unanimously prohibit and discharge the said Mr. Greenshields to exercise any Part of the Office of the Holy Ministry within their Bounds, and recommends to the Magistrates of *Edinburgh*, and other Judges competent, to render this Sentence effectual, declaring always that the Presbytery reserves to themselves the farther Consideration of the whole Affair. Extracted by me,

*Sic subscribitur,*

*Nicol Spence, Clerk.*

As the Act duly sign'd by *Nicol Spence*, Clerk to the said Presbytery, bears, and the same being on the eighth day of September instant, read in Presence of, and consider'd by the said Magistrates as Justices; they granted Warrant to *Henry Rankin* the Dean of Guild Officer, for citing the said Mr. *James Greenshields* to compear before them, in the new Council-Chamber of *Edinburgh*, on the ninth instant, by Three a Clock in the Afternoon; and, accordingly, the said Mr. *James Greenshields* being lawfully warn'd by the said Officer, and personally apprehended, and compearing personally before them, they continued the said Affair till the next day, being the tenth instant; and desiring he might then attend in the new Council-Chamber, by Ten of the Clock in the Forenoon; and accordingly, the said Magistrates having then met, they, upon the said Mr. *James Greenshields* his Compearance, caus'd read to him the said Act and Remit of the said Presbytery; and after reading thereof, enquir'd at him if he would obtemper the same; to which, he answer'd, that he could not comply with, or would he obtemper the said Sentence pronounc'd by the said Presbytery. Wherefore, the Magistrates as Justices foresaid, in Pursuance of the foresaid Sentence of the said Reverend Presbytery, and Remit to them, did prohibit and discharge, and hereby prohibit and discharge the said Mr. *Greenshields* to preach

preach or exerce any Part of his Ministerial Function, within the City of *Edinburgh*, Liberties and Privileges of the saidin; with Certification to him, if he should contravene the said Sentence, by doing the contrary thereof, they would, upon his first Transgression, imprison his Person, within the *Tolbooth* of *Edinburgh*, and would otherwise proceed against him conform to Law; and there being Application made by the Neighbourhood, to the Magistrates, and Information given in, that, notwithstanding of the Presbytery's Sentence, and their Certification, the said Mr. *James Greenshields* had continued in exercising the Ministerial Function within the City of *Edinburgh*, in his *Meeting-house*; whereupon, the saids Justices did, this day, again call for him before them; and did interrogate him, if, or not, he us'd any Part of his Ministerial Function since his last Sentence; judicially acknowledg'd he preach'd and perform'd Divine Service, publickly, upon *Sabbath* last, being the eleventh instant; whereupon, they, in Pursuance of the foresaid Sentence of the Reverend Presbytery, and Certification given him, on the tenth instant, ordain'd him to go to the Prison, and *Tolbooth* of this City, therein to remain, ay and while he found Caution that he should desist from the Exercise of his Ministry, within this City, Liberties and Privileges, in all time coming, or else, that he should remove himself therefrom.

Extracted, ADAM WATT.

*At Edinburgh, within the Parliament House there, betwixt the Hours of Nine and Ten, before Noon, Twenty ninth of December, One thousand Seven hundred and nine, and of her Majesty's Reign the eighth Year.*

IN Presence of us Notaries Publick, and Witnesses Subscribing, I compear'd *William Allan*, Writer in *Edinburgh*, and Procurator before the Commissars thereof, as Attorney for Mr. *James Greenshields* Minister of the Gospel, and late Curate at *Tynan*, in the Diocese of *Armagh*, and Kingdom of *Ireland*; and produc'd before, and in the Presence of the Lords of Council and Session, then sitting in Judgment and Appeal containing therein a Procuratory, containing a Power and Commission to the said *William Allan*, ( because of the said Mr. *Greenshields*'s present Imprisonment ) empowering him to present the said Appeal, whereof the Tenour follows. I Master *James Greenshields* Minister of the Gospel, and late Curate of *Tynan* in the Diocese of *Armagh*, and Kingdom of *Ireland*; Whereas I am incarcerate in the *Tolbooth* of *Edinburgh*, by vertue of a Warrant issued against me by the Magistrates of *Edinburgh*,



*Edinburgh*, for Disobedience to their pretended Sentence, interposing their Authority to a Decree made by the Presbytery of *Edinburgh* against me for performing of Divine Service after the manner of the Church of *England*, in a private Way, to those at *Edinburgh* of the Communion of that Church: Albeit, according to my Council and Advice, there is no Law or Statute in *Scotland* to the Contrary; and I having made Application, by way of Two Suspensions to the Lords of Council and Session, against my said Imprisonment as being illegal and unwarrantable, and judging myself lesed by the Interlocutors and Sentences of the said Lords refusing my saids Bills; do, therefore, hereby protest for Remead of Law against the same; and appeal from them to her Majesty and the House of Lords for Justice and Redress. And, because of my being incapacitate, by reason of my said Imprisonment, to offer and present this my Appeal, I do, therefore, empower, and grant Warrant to *William Allan*, Writer in *Edinburgh*, and Procurator before the Commissars thereof, to offer and present, and make the same for me and in my Name; and to do and exerce every thing there-anent, that I might do myself, if personally present; which I shall hold firm and stable. In Witness whereof, I have written and subscriv'd these Presents, at the Tolbooth of *Edinburgh*, the twenty eighth day of *December*, one thousand seven hundred and nine Years, before these Witnesses, Mr. *Archibald Maire* Minister of the Gospel, and Mr. *Robert Coult*, Son to the deceas'd Sir *Robert Coult*, Advocate. Sic Subscribitur, *James Greenshields*, *Archibald Maire*, Witness, *Robert Coult*, Witness. Conform whereunto, and to the Power thereby committed to the said *William Allan*, we did deliver the same to Mr. *John Mackenzie* of *Delerine*, one of the said Lords their Principal Clerk, and in Presence aforesaid; and by vertue of the above-written Power, in Name of the said Mr. *James Greenshields* for the Reasons above express'd, protested for Remead of Law, and appeal'd from them to the Queen's Majesty and House of Lords, for Justice and Redress; and thereupon, took Instruments in the Hands of the said Mr. *John Mackenzie*, and with Notaries Publick, before *John* and *David Rosses*, *John Davidson*, junior, Servant to Mr. *Alexander Hay*, Advocate, and *Samuel Adamson*; all Writers in *Edinburgh*, Witnesses specially call'd and requir'd.

*David Ross*, Witness.

*John Ross*, Witness.

*John Davison*.

*Ja. Adamson*.

*Ita esse ut præmittitur ego David Allan*  
Notarius Publicus in præmissis requisitus testan' his meis signo, & subscriptione manualibus assero.

1. *Allan* 7. Not. O. Pub. 9.

*Et ego Conotarius præmissa*  
*requisitus assero;*

*T. Nicolson, N.P.*

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( 12 )  
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